

FDA Online Opioid Summit

Silver Spring, MD

June 27, 2018

On June 27, the U.S. Food and Drug Administration's Commissioner Scott Gottlieb convened an Online Opioid Summit. The Summit brought together Internet stakeholders, government entities, academic researchers, and advocacy groups to discuss ways to collaboratively take stronger action in combatting the opioid crisis by reducing the availability of illicit opioids online.

Libby Baney, Principal at Faegre Baker Daniels Consulting and Senior Advisor to ASOP Global spoke at the Summit's opening session, which focused on current research into the advertisement and sale of prescription opioids and illicit narcotics online. ASOP Global allies Dr. Tim Mackey (ASOP Global Academic Advisory Panel member) and Garth Bruen (Fischer College) participated in the discussion, as well. The Summit also included representatives from several major social media platforms, search engines, domain name registries and registrars and online marketplaces.

ASOP Global applauds and echoes what Commissioner Gottlieb's call for "... Internet companies to be our partners in this effort as we all take on the social responsibility for implementing those solutions." ASOP Global is encouraged that the Internet industry attended the Summit ready to discuss what they have already been doing, and looks forward to further discussions with FDA and Internet companies about additional steps the industry can take to protect Americans from dangerous illegal medicines peddled online.

Below, Libby Baney offers some additional thoughts on the Summit:

- Going into the Summit, the Internet industry tried to distract from the fact that the average Internet user can easily find opioids illegally offered and sold on the surface web by pointing to the dark web. As you can see by the Commissioner's statements – both during and after the event – however, FDA was quick to nip their "it's not us, it's them" tactic the bud.
- The FDA rightly focused the Summit on what we know to be true: online sales of opioids are a problem on both the surface and dark web. Search and social companies, online marketplaces, and domain name registries and registrars control the surface web platforms that average Americans use every day. They have the ability to do more to proactively take action against sites and sellers that are clearly violating U.S. law and putting Americans at risk. As the Commissioner said, there's no gray area here: no controlled substances, including opioids, can be lawfully sold or even offered to be sold online.

- While search/social/marketplace companies have made positive strides in some areas, there is much more that needs to be done to stop the illegal sale of prescription drugs online and internet companies alone are uniquely positioned to do it.
- The Summit was a very useful start to the discussion about what more the internet industry can and should be doing to respond to the epidemic in a more proactive, concrete, and direct way.
- It was valuable to hear others' positions and start openly discussing potential new solutions, including those mentioned in the Commissioner's statement, e.g. use of AI/machine learning to proactively identify and take down illicit sites/sellers, promoting legitimate or educational content in top search results or social media posts, and making it harder for individuals to find illegal sellers online.
- Should Internet companies decline to further step up, the government will have good reason to stop believing in voluntary self-regulation and start demanding solutions using other means.